

## REMARKS

In the Office Action, claims 1-103 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2005/0144133 (Hoffman) in view of U.S. Patent Publication No. 2003/0018522 (Denimarck). Applicants have cancelled claims 1-15, 32-45 and 75-93 without prejudice. Applicants reserve the right to pursue the subject matter of these claims in a future application, such as a continuation application. Applicants have further amended claims 16, 23, 46, 52, 66, 94 and 99 to correct minor typographical errors. Upon entry of this response, claims 16-31, 46-74 and 94-103 will remain pending. For the reasons set forth below, Applicants request that the above-listed rejection be withdrawn.

Applicants note that the Examiner's analyses of independent claims 16, 46, 61, 94 and 99 do not reference the limitations of such claims, but instead reference the limitations of cancelled claim 1. Indeed, several limitations of independent claims 16, 46, 61, 94 and 99 are not specifically addressed by the Examiner in the office action. As such, if a subsequent office action is required during the prosecution of this application, Applicants request that such an office action be made non-final because Applicants have not had an opportunity to reply to specific rejections made by the Examiner for the pending claims.

### Claims 16-31

Applicants submit that claim 16 is nonobvious over Hoffman in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 16. *See* MPEP §2143. More particularly, Applicants submit that the combination of Hoffman and Denimarck fails to teach or suggest, among other things, "receiving, at the unattended age verification station, the potential matching biometric record from the at least one database" and "comparing, at the unattended age verification station, the at least one biometric sample with the potential matching biometric record," as recited in claim 16.

Hoffman teaches a tokenless biometric system for processing electronic transmissions using at least one user biometric sample. A user forwards their biometric samples to a data processing center via a biometric input apparatus via a computer network. Hoffman, [0069]. The data processing center uses an electronic identifier to compare the user's bid biometric sample with previously stored biometric samples. *Id.*, [0135]. If a match occurs, the electronic identifier transmits the identity of the user or a user identification code to a module that

determines data relevant to the transaction. *Id.*, [0156] and [0170]. The data is then provided to the user or an authorized third party. *Id.*, [0174]. Hoffman does not disclose “receiving, at the unattended age verification station, the potential matching biometric record from the at least one database” as required by claim 16. The device containing the biometric input apparatus in Hoffman merely receives data that is used for the transaction. Unlike Applicants’ invention which compares a received biometric sample with the biometric record at the age verification station, Hoffman merely teaches comparing the biometric sample remotely at the electronic identifier. In other words, Hoffman does not receive a biometric record that is locally used for comparison with a biometric sample. For at least this reason, Hoffman does not teach all of the limitations of claim 16.

Denimarck teaches a method of biometrically identifying a customer tendering a payment. The customer provides a pin code and a biometric characteristic to a biometric sensing device. The sensing device queries a memory to obtain payment information associated with a matching stored fingerprint recognition profile for the customer. If found, the payment information may be used for payment processing. Denimarck, [0074]. Denimarck does not resolve the deficiencies of Hoffman. Denimarck merely retrieves payment information associated with a matched biometric profile. Denimarck does not receive a biometric record for comparison from a database.

As such, Applicants submit that independent claim 16 is nonobvious over the combination of Hoffman and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 16. *See MPEP §2143*. Applicants further submit that claims 17-31, which depend from and incorporate all of the limitations of claim 16, are also nonobvious over the cited references. *See MPEP §2143.03* (stating that if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious). Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 16-31 be withdrawn.

In addition, the Examiner has not provided an explanation as to why claims 18 and 20-31 would not be allowable over the prior art. MPEP §2143 states that one of the elements of a *prima facie* case of obviousness under §103(a) is that the prior art references must teach or suggest all of the claim limitations. Because the limitations of claims 18 and 20-31 have not been addressed, a *prima facie* case has not been set forth by the Examiner. For at least this

additional reason, Applicants request that the §103(a) rejections associated with claims 18 and 20-31 be withdrawn.

#### **Claims 46-60**

Applicants submit that claim 46 is nonobvious over Hoffman in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 46. *See MPEP §2143.* More particularly, Applicants submit that the combination of Hoffman and Denimarck fails to teach or suggest, among other things, “receiving, at the unattended age verification station, the potential matching biometric record” and “comparing, at the unattended age verification station, the at least one biometric sample with the potential matching biometric record,” as recited in claim 46.

For substantially the same reasons stated above in reference to independent claim 16, Applicants submit that independent claim 46 is nonobvious over the combination of Hoffman and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 46. *See MPEP §2143.* Applicants further submit that claims 47-60, which depend from and incorporate all of the limitations of claim 46, are also nonobvious over the cited references. *See MPEP §2143.03.* Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 46-60 be withdrawn.

In addition, the Examiner has not provided an explanation as to why claims 47, 48 and 51-60 would not be allowable over the prior art. MPEP §2143 states that one of the elements of a *prima facie* case of obviousness under §103(a) is that the prior art references must teach or suggest all of the claim limitations. Because the limitations of claims 47, 48 and 51-60 have not been addressed, a *prima facie* case has not been set forth by the Examiner. For at least this additional reason, Applicants request that the §103(a) rejections associated with claims 47, 48 and 51-60 be withdrawn.

#### **Claims 61-74**

Applicants submit that claim 61 is nonobvious over Hoffman in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 61. *See MPEP §2143.* More particularly, Applicants submit that the combination of Hoffman and Denimarck fails to teach or suggest, among other things,

“receiving, at the unattended age verification station, the potential matching biometric record with the reference” and “comparing, at the unattended age verification station, the at least one biometric sample to the at least one biometric record,” as recited in claim 61.

For substantially the same reasons stated above in reference to claim 16, Applicants submit that independent claim 61 is nonobvious over the combination of Hoffman and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 61. *See MPEP §2143.* Applicants further submit that claims 62-74, which depend from and incorporate all of the limitations of claim 61, are also nonobvious over the cited references. *See MPEP §2143.03.* Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 61-74 be withdrawn.

In addition, the Examiner has not provided an explanation as to why claims 62 and 65-74 would not be allowable over the prior art. MPEP §2143 states that one of the elements of a *prima facie* case of obviousness under §103(a) is that the prior art references must teach or suggest all of the claim limitations. Because the limitations of claims 62 and 65-74 have not been addressed, a *prima facie* case has not been set forth by the Examiner. For at least this additional reason, Applicants request that the §103(a) rejections associated with claims 62 and 65-74 be withdrawn.

### **Claims 94-98**

Applicants submit that claim 94 is nonobvious over Hoffman in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 94. *See MPEP §2143.* More particularly, Applicants submit that the combination of Hoffman and Denimarck fails to teach or suggest, among other things, “prompting a system user to proffer an enrollment data, wherein the enrollment data is less than an amount of data needed for a complete enrollment,” as recited in claim 94.

Hoffman and Denimarck each disclose registration processes in which all user data required for performing a transaction is received from a user during an enrollment process. Hoffman, [0110] – [0125]; Denimarck, [0052] – [0056]. Neither Hoffman nor Denimarck discusses prompting a system user to proffer less than an amount of data needed for a complete enrollment, as required by claim 94.

As such, Applicants submit that independent claim 94 is nonobvious over the combination of Hoffman and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 94. *See MPEP §2143*. Applicants further submit that claims 95-98, which depend from and incorporate all of the limitations of claim 94, are also nonobvious over the cited references. *See MPEP §2143.03*. Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 94-98 be withdrawn.

In addition, the Examiner has not provided an explanation as to why claims 95-98 would not be allowable over the prior art. MPEP §2143 states that one of the elements of a *prima facie* case of obviousness under §103(a) is that the prior art references must teach or suggest all of the claim limitations. Because the limitations of claims 95-98 have not been addressed, a *prima facie* case has not been set forth by the Examiner. For at least this additional reason, Applicants request that the §103(a) rejections associated with claims 95-98 be withdrawn.

### **Claims 99-103**

Applicants submit that claim 99 is nonobvious over Hoffman in view of Denimarck because the cited references, whether considered alone or in combination, fail to teach or suggest each and every limitation of claim 99. *See MPEP §2143*. More particularly, Applicants submit that the combination of Hoffman and Denimarck fails to teach or suggest, among other things, “prompting a database operator to proffer for the system user an enrollment data, wherein the enrollment data is less than an amount of data needed for a complete enrollment,” as recited in claim 99.

Hoffman and Denimarck each disclose registration processes in which all user data required for performing a transaction is received from a user during an enrollment process. Hoffman, [0110] – [0125]; Denimarck, [0052] – [0056]. Neither Hoffman nor Denimarck discusses prompting a database operator to proffer less than an amount of data needed for a complete enrollment for the system user, as required by claim 99.

As such, Applicants submit that independent claim 99 is nonobvious over the combination of Hoffman and Denimarck because the cited references fail to teach or suggest each and every limitation of claim 99. *See MPEP §2143*. Applicants further submit that claims 100-103, which depend from and incorporate all of the limitations of claim 99, are also

nonobvious over the cited references. *See* MPEP §2143.03. Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 99-103 be withdrawn.

In addition, the Examiner has not provided an explanation as to why claims 100-103 would not be allowable over the prior art. MPEP §2143 states that one of the elements of a *prima facie* case of obviousness under §103(a) is that the prior art references must teach or suggest all of the claim limitations. Because the limitations of claims 100-103 have not been addressed, a *prima facie* case has not been set forth by the Examiner. For at least this additional reason, Applicants request that the §103(a) rejections associated with claims 100-103 be withdrawn.

All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 05-0426.

Respectfully submitted,  
PEPPER HAMILTON LLP



Joseph T. Helmsen  
Reg. No. 54,163

Pepper Hamilton LLP  
One Mellon Center, 50<sup>th</sup> Floor  
500 Grant Street  
Pittsburgh, PA 15219  
Telephone: 412.454.5000  
Facsimile: 412.281.0717  
Date: November 13, 2006